

Entered on Docket
February 01, 2024
EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

1 *Recording requested by*
2 U.S. Bankruptcy Court for the Northern
3 District of California, San Jose Division

4 *After recording, mail this to:*
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11 **UNITED STATES BANKRUPTCY COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 In re

14 VINH NGUYEN,

15 Debtor.

16) Case No. 22-50907 MEH
17) Chapter 7

18) **ORDER REQUIRING RECORDER'S
19) OFFICE TO WITHDRAW DOCUMENTS
20) AS AGREED BY SETTLEMENT**

21) [Cal. Gov. Code § 27201; FRBP 7070]

22 Before the court is Vinh Nguyen's ("Debtor") request to withdraw recorded
23 documents regarding real property located at 12329 Kosich Place, Saratoga, California 95070,
24 APN: 386-23-072 ("Property").

25 Paul Nguyen ("Creditor") entered into a global settlement agreement that required
26 Creditor to withdraw documents recorded against the Property upon receipt of the settlement
27 funds. The court approved the settlement agreement on February 9, 2023 (Dkt. # 166). Also
28 on February 9, 2023, Creditor received the settlement funds, but failed to withdraw the

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FILED
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1 documents. Thus, as of February 9, 2023, Debtor has satisfied his duties under the terms of
2 the settlement agreement, but Creditor has not.

3 Federal Rule of Civil Procedure 70(a) ("FRCP"), made applicable in bankruptcy by
4 Federal Rule of Bankruptcy Procedure 7070, provides the court with authority to enforce a
5 specific act at the noncompliant party's expense.

6 Upon Debtor's Motion to Enforce Settlement Agreement ("Motion") (Dkt. # 240) and
7 other causes shown, it is ORDERED that the Motion is GRANTED.

8 For Santa Clara County Recorder's Office and under the authority of FRCP 70(a) and
9 California Government Code § 27201(a), the court hereby withdraws from the Santa Clara
10 County records the following recorded documents:

No.	Label of Document	Document Executed by	Recording Date	Document No.
1	Notice of Default and Election to Sell Under Deed of Trust	Hermond L. Blossomgame	02/25/21	24846754
2	Substitution of Trustee	Paul K. Nguyen	04/14/21	24921401
3	Notice of Trustee's Sale	Hermond L. Blossomgame	05/12/21	24957491
4	Notice of Trustee's Sale	Hermond L. Blossomgame	05/14/21	24960843
5	Notice of Intent to Preserve Interest	Paul K. Nguyen	05/25/22	2530874
6	Substitution of Trustee	Paul K. Nguyen	06/27/22	25326642
7	Notice of Trustee's Sale	Yosef Szigeti	07/05/22	25330309

22 Date: February 1, 2024

M. Elaine Hammond

23 M. Elaine Hammond
24 United States Bankruptcy Judge
25 Northern District of California

26 *****END OF ORDER*****

27
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